

#### REMARKS

In the outstanding official action, claims 1-3, 6, 8 and 9 were rejected under 35 USC 102(b) as being anticipated by Nakamura, with dependent claims 4, 5 and 7 being rejected under 35 USC 103(a) as being unpatentable over Nakamura in view of Lee et al, all for the reasons of record.

In response, independent claims 1 and 6 are herewith amended in order to more particularly and precisely recite the novel and unobvious features of the instant invention, and it is respectfully submitted that these claims, as well as the remaining claims depending therefrom, are now clearly patentably distinguishable over the cited and applied art for the reasons detailed below.

In the Action, it was suggested that independent claims 1 and 6 are anticipated by Nakamura *inter alia* because the reference shows at least one address bit of the predefined number of address bits of the physical address constituting at least one layer addressed bit that has a value indicating the recording layer, as taught at page 6, lines 9-16.

More particularly, however, the cited and applied portion of the Nakamura reference teaches a substantially more complex arrangement, whereby a third code includes a code S1 representing a first synchronization mark and recorded on the first information surface, with a code S2 representing a second synchronization mark and recorded on the second information surface, with a fourth

pattern representing the code S1 and a fifth pattern representing a code S2.


Clearly, this is a far more complex arrangement than that recited in independent claims 1 and 6, wherein at least one layer address bit has a value indicating the recording layer. Furthermore, as herewith amended, independent claims 1 and 6 now more precisely recite that in the common situation where the record carrier consists of only first and second recording layers, the at least one address bit consists of only one address bit. It is respectfully submitted that the foregoing limitations, as now more particularly and precisely recited, are neither shown nor suggested by the subject matter taught in the cited portion of the Nakamura reference. Furthermore, as noted on page 1 of the instant specification, the instant invention provides a simple and convenient way to overcome a problem present in prior-art devices.

Support for the additional limitations to claims 1 and 6 may be found at page 5, lines 7-8 and page 8, lines 30-31.

In view of the foregoing amendments and remarks it is respectfully submitted that the currently-pending claims, as herewith amended, are now clearly patentably distinguishable over

the cited and applied art. Accordingly allowance of the instant application is respectfully submitted to be justified at the present time, and favorable consideration is earnestly solicited.

Respectfully submitted,

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